

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 2/10/2011

Case Number 2:11-cv-87

Case Style: Nye vs. Bayer CropScience

Type of hearing TRO Hearing

Before the honorable: 2513-Goodwin

Court Reporter Teresa Harvey

Courtroom Deputy Robin Clark

Attorney(s) for the Plaintiff or Government William V. DePaulo

Attorney(s) for the Defendant(s) Mike Fisher and Thomas J. Hurney, Jr.

Law Clerk Emma Case

Probation Officer

Trial Time

Non-Trial Time

Motions hearing (without evidence). Type:

Court Time

3:15 pm to 3:25 pm

1:55 pm to 3:00 pm

Total Court Time: 1 Hours 15 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled start time 2:00 p.m.

Actual start time 1:55 p.m.

MOTION HEARING

Counsel for parties present

MOTION by Robin Blakeman, Lisa Bragg, Paula Clendenin, Sue Davis, Sarah Elliott, Warne Ferguson, Barbara Frierson, Denise Giardina, Mike Harman, Regina Hendrix, Mildred Holt, Jim Lewis, James R. Mitchell, Maya Nye, Beverly Steenstra, Donna Willis for Temporary Restraining Order [Docket 2]

Argument by Pltfs

Argument by Deft

Pltfs address nuisance law

Court confirms time frame for the production of the product

Court in recess

End time 3:00 p.m.

Start time 3:15 p.m.

Motion for Temporary Restraining Order [Docket 2]; GRANTED

\$10,000 bond must be posted by the Pltfs.

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TRO is valid for 14 days.

A motion for preliminary injunction must be filed by 5:00 p.m. on February 14, 2011

Responses due by 5:00 p.m. on February 18, 2011

Replies due by 5:00 p.m. on February 21, 2011

An evidentiary hearing will be set for February 25, 2011 @ 9:00 a.m.

A discovery hearing is set before Magistrate Judge Stanley on February 11, 2011 at 10:00 a.m.

End time 3:25 p.m.